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In re Application of
Akira USUI et al
Int. Application: PCT/JP03/08360
Application No.: 10/519,571
Int. Filing Date: 01 July 2003
Priority Date: 02 July 2002
Attorney's Docket No.: 8017-1156
For: GROUP III NITRIDE SEMICONDUCTOR
SUMICONDUCTOR SUBSTRATE AND
PROCESS FOR PRODUCTION THEREOF

DECISION ON

REQUEST UNDER

37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(a)" filed on 09 March 2005, which is being treated as a request under 37 CFR 1.497(d) to add joint inventor Akira USUI in the executed declaration. The processing fee of \$130.00 has been charged to Deposit Account No.: 25-0120.

BACKGROUND

On 01 July 2003, applicants filed international application No. PCT/JP03/08360 designating the United States and claiming a priority date of 02 July 2002. The deadline for entry into the national stage by paying the basic national fee in the U.S. expired as of midnight of 02 January 2005.

On 30 December 2004, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee. At such time no executed declaration or oath was submitted.

On 09 March 2005, applicants filed a request under 37 CFR 1.497(d) to add joint inventor Akira USUI in the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted on 09 March 2005 by Akira USUI is sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been charged to the Deposit Account.

With respect to item (3), NEC CORPORATION, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b).

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **09 March 2005**.


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